

**From:** [Lannen, Justin](#)  
**To:** [Payne, James](#); [Gray, David](#); [Smalley, Bryant](#)  
**Cc:** [Quinones, Edwin](#); [Welton, Patricia](#)  
**Subject:** Re: Corrected NAA for Vapor Recovery in Texas  
**Date:** Saturday, September 2, 2017 1:33:20 PM  
**Attachments:** [Harvey -- Texas NAA Truck Loading Signed \(9.1.17\).pdf](#)  
[Harvey -- Texas NAA RE Vapor Recovery \(corrected\) Signed \(9.1.17\).pdf](#)  
[Harvey -- Texas NAA Roof Landing \(9.1.17\).pdf](#)  
[Harvey -- Louisiana NAA Truck Loading Signed \(9.1.17\).pdf](#)

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All:

Please find attached four No Action Assurance (NAA) letters signed by OECA yesterday, 9/1/17, to help address fuel shortages. Of the 17 refineries along the Texas coast, as of September 1, only 6 have returned to partial operation due to Hurricane Harvey. The following NAAs will help expedite the distribution of existing gasoline supplies in both Texas and Louisiana while the refineries work to re-start and resume normal operations. For each NAA, EPA will exercise discretion not to pursue enforcement for violations of the regulations identified in the NAAs. Each NAA is effective for two weeks, or September 15. It is anticipated that these NAAs will allow for the immediate distribution in Texas of 10 million or more gallons of gasoline to consumers.

**-Texas NAA for Vapor Recovery Systems:** Several federal regulations and the Texas SIP require that bulk gasoline, marine, and rail loading terminals operate a vapor control system to collect the fuel vapors displaced from tank trucks during product loading. This NAA allows the loading and unloading of fuel at terminals that have damaged or inoperable vapor recovery devices or that are otherwise not equipped with such devices.

**-Texas NAA for Truck Loading at Petroleum Distribution Terminals:** Several federal regulations and the Texas SIP require that gasoline tank trucks obtain testing and certification that the tank trucks are vapor tight. This NAA allows tank trucks to load and unload fuel at terminals even though the trucks may not be registered with the terminals as having completed all the testing for tank tightness or have the documentation on hand to prove it.

**-Texas NAA for Roof Landings at Gasoline Storage Vessels:** This relates to several federal regulations and the Texas SIP covering storage vessels with external floating roofs. Specifically, when the operator removes product from the vessel such that the roof lands on the vessel's legs, such action must be a continuous motion, i.e. the process of re-filling the vessel must begin immediately after roof landing. This NAA will allow roof landings without requiring immediate re-filling of the vessel.

**-Louisiana NAA for Truck Loading at Petroleum Distribution Terminals:** Several federal regulations and the Louisiana SIP require that gasoline tank trucks obtain testing and certification that the tank trucks are vapor tight. This NAA allows tank trucks to load and

unload fuel at terminals even though the trucks may not be registered with the terminals as having completed all the testing for tank tightness or have the documentation on hand to prove it.

Justin Lannen  
Assistant Regional Counsel  
Air Enforcement Branch  
U.S. EPA Region 6  
214.665.8130

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**From:** Payne, James  
**Sent:** Saturday, September 2, 2017 11:35 AM  
**To:** Gray, David; Smalley, Bryant; Lannen, Justin  
**Cc:** Quinones, Edwin  
**Subject:** Re: Corrected NAA for Vapor Recovery in Texas

David, Bryant - Justin plans to send to you by 1:30pm or so these 4 Clean Air Act "no action assurance"/enforcement discretion letters issued late yesterday (3 to Texas, 1 to Louisiana). They are intended to help alleviate gas shortage in Texas.

Justin - pls be sure to include David Gray, Ed Q and me.

Jim  
214-490-6707 cell

Sent from my iPhone

> On Sep 2, 2017, at 10:52 AM, Payne, James <payne.james@epa.gov> wrote:  
>  
> Hi Justin,  
>  
> Could you ensure Bryant (cc'd) has the four CAA 14-day "no action" letters issued late yesterday related to gas shortage in a Texas and a Louisiana such as one below, with a sentence or so summarizing them, and cc Ed Q (or let me know if this is not workable)?  
>  
> If there are any later corrected versions, they could be sent then as a supplement.  
>  
> Bryant's emergency response team issues twice-daily situation reports, at about 8am and 5pm, and they might include this info to extent not already included.  
>  
> Jim  
> 214-665-8170  
> 214-490-6707 cell  
>  
>

> Sent from my iPhone

>

> Begin forwarded message:

>

> From: "Brooks, Phillip" <Brooks.Phillip@epa.gov<mailto:Brooks.Phillip@epa.gov>>

> To: "Ramiro Garcia" <ramiro.garcia@tceq.texas.gov<mailto:ramiro.garcia@tceq.texas.gov>>, "Steve Hagle"

<steve.hagle@tceq.texas.gov<mailto:steve.hagle@tceq.texas.gov>>, "Thompson, Steve"

<thompson.steve@epa.gov<mailto:thompson.steve@epa.gov>>, "Seager, Cheryl"

<Seager.Cheryl@epa.gov<mailto:Seager.Cheryl@epa.gov>>, "Coleman, Sam"

<Coleman.Sam@epa.gov<mailto:Coleman.Sam@epa.gov>>, "Traylor, Patrick"

<traylor.patrick@epa.gov<mailto:traylor.patrick@epa.gov>>, "Starfield, Lawrence"

<Starfield.Lawrence@epa.gov<mailto:Starfield.Lawrence@epa.gov>>

> Cc: "Lannen, Justin" <Lannen.Justin@epa.gov<mailto:Lannen.Justin@epa.gov>>, "Jones, John-L" <jones.john-

l@epa.gov<mailto:jones.john-l@epa.gov>>, "Payne, James"

<payne.james@epa.gov<mailto:payne.james@epa.gov>>, "Chapman, Apple"

<Chapman.Apple@epa.gov<mailto:Chapman.Apple@epa.gov>>, "Fried, Gregory"

<Fried.Gregory@epa.gov<mailto:Fried.Gregory@epa.gov>>

> Subject: RE: Corrected NAA for Vapor Recovery in Texas

>

> All

>

> Enclosed please find a corrected No Action Assurance letter addressed to Richard A Hyde, Executive Director, Texas Commission on Environmental Quality to address operation without vapor recovery. We are available throughout the weekend should you need additional assistance.

>

> Phillip A Brooks, Director

> Air Enforcement Division

> OCE/OECA

> U.S. Environmental Protection Agency

> <Harvey -- Texas NAA RE Vapor Recovery (corrected) Signed (9.1.17).pdf>